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February 23, 2015

VIA CM/ECF & FIRST-CLASS MAIL

The Honorable Edgardo Ramos, U.S.D.J.
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Silverman v. Miranda*, No. 1:06-cv-13222-ER-GWG

Dear Judge Ramos:

This firm represents the plaintiffs, the trustees of the Union Mutual Medical Fund (the “UMMF”) and the UMMF (collectively, “Plaintiffs”). We write in response to the repeated late filings by defendants, the trustees of the Teamster Local 210 Affiliated Health and Insurance Fund (collectively, the “Local 210 Fund”). Throughout the course of this litigation, the Local 210 Fund has repeatedly disregarded the filing deadlines imposed by the Court. This conduct should not be countenanced. Accordingly, we believe the Court should either strike the Local 210 Fund’s most recently untimely filings, or require counsel for the Local 210 Fund to show cause as to why a sanction should not be imposed.

The Local 210 Fund made late filings, without seeking permission to do so (either before or after the fact), on the following dates:¹

- **February 20, 2007:** Local 210 Fund’s Reply to its motion to dismiss, (*see* Dkt. No. 15); Reply was due on February 19, 2007 (*see* Dkt. Entry, dated February 6, 2007);
- **June 16, 2010:** Local 210 Fund’s First Motion for Summary Judgment, (*see* Dkt. Nos. 129-136); Motion was due on June 15, 2010 (*see* Dkt. No. 121);

¹ Notably, several of the Local 210 Fund’s filings were rejected by the Clerk of the Court for failing to comply with the applicable CM/ECF guidelines. Although this necessitated corrected filings, which were even later than the initial untimely filing, the list above notes only the date of the initial filing, irrespective of whether it was accepted by the Clerk or not.

The Honorable Edgardo Ramos, U.S.D.J.
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- **April 24, 2012:** Local 210 Fund's Opposition to the UMMF's Motion for Judgment for Sum Certain, (*see* Dkt. Nos. 208-213); Opposition was due on April 23, 2012 (*see* Dkt. No. 183);
- **November 1, 2013:** Local 210 Fund's Motion to Amend/Correct the April 4, 2013 Order, (*see* Dkt. No. 252); Motion was due on October 31, 2013 (*see* Dkt. Entry, dated October 1, 2013); and
- **November 6, 2014:** Local 210 Fund's Motion for Release of Funds, (*see* Dkt. Nos. 285-86); Motion was due on November 5, 2014 (*see* Dkt. No. 282).

In addition, the Local 210 Fund missed the filing deadline three times in the last month.

- Attached hereto as **Exhibit A** is the CM/ECF Notice of Electronic Filing for the Local 210 Fund's Local Rule 56.1 Statement in support of its Motion for Summary Judgment. (*See also* Dkt. No. 301.) As the Notice indicates, the "transaction was entered by Thompson, Thomas on 1/17/2015 at 2:54 AM EST and filed on 1/17/2015." (*Id.*) The motion, however, was due on January 16, 2015. (*See* Dkt. No. 290.)
- Attached hereto as **Exhibits B and C** are the CM/ECF Notices of Electronic Filing for the Local 210 Fund's Memorandum of Law in Opposition to the UMMF's Cross-motion for Attachment of the Funds in Escrow with the Clerk of the Court, and Declaration of Thomas A. Thompson in support of the same. (*See also* Dkt. Nos. 304, 305.) The former was filed at 1:17 AM EST on January 31, 2015, and the latter was filed at 1:46 AM EST on January 31, 2015. (*See* Exs. B, C.) However, both filings were due on January 30, 2015. (*See* Dkt. No. 290.)
- Attached hereto as **Exhibits D, E, F, G and H** are the CM/ECF Notices of Electronic Filing for the Local 210 Fund's papers in opposition to the UMMF's Motion for Summary Judgment. (*See also* Dkt. Nos. 308-312.) The Notices show that the Local 210 Fund filed its first document, the Memorandum of Law, at 2:29 AM EST on February 21, 2015, and did not complete its filing until 3:44 AM EST, when it filed the Declaration of Thomas A. Thompson. (*See* Exs. D-H.) However, all of these filings were due on February 20, 2015. (*See* Dkt. No. 290.)

The need to comply with the Court's deadlines is self-evident. Beyond that, though, the Local 210 Fund's has *sua sponte* created an unlevel playing field by granting itself additional time to complete its submissions, time which the UMMF was not given.

Moreover, and perhaps most alarmingly, the Local 210 Fund's most recent filing, the opposition to the UMMF's Motion for Summary Judgment, (*see* Dkt. No. 308), appears to have been adapted to counter the arguments raised in the UMMF's opposition to the Local 210 Fund's

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Motion for Summary Judgment, which was filed almost twelve hours before the Local 210 Fund's papers, (*see* Dkt. No. 306). While the arguments raised in the Local 210 Fund's opposition papers are largely similar (if not identical in some respects) to the arguments in its motion for summary judgment, (*compare* Dkt. No. 302, *with* Dkt. No. 308²), there is one stark difference in the Labor Management Relations Act ("LMRA") section of the former: the Local 210 Fund's opposition papers include a claim that there are "competing interpretations" of the relevant passage of the collective bargaining agreements ("CBA"), which the Court must "analyze and interpret" in order to adjudicate the UMMF's state law breach of contract claims, (Dkt. No. 308, at 17). No such assertion was made in the Local 210 Fund's initial moving papers. (*See* Dkt. No. 302, at 18-25.) However, the lack of ambiguity or controversy on the meaning of the relevant provision of the CBAs was the central argument in the UMMF's opposition to the Local 210 Fund's argument for LMRA preemption in its motion for summary judgment. (*See* Dkt. No. 306, at 12-15.) Given that the Local 210 Fund did not file its papers until over ten hours after the UMMF filed its papers, the inclusion of the new argument on the need for interpretation—which is plainly wrong and belied by the Local 210 Fund's prior filings and representations to the court—nevertheless is of concern.

Thus, for all of reasons discussed above, the UMMF respectfully requests that the Court either strike the Local 210 Fund's most recently untimely filings—in particular, the Local 210 Fund's opposition to the UMMF's motion for summary—or, at a minimum, require counsel for the Local 210 Fund to show cause why a sanction should not be imposed.

We thank the Court for its attention to this matter.

Respectfully submitted,

s/ Robert J. Kipnees

Robert J. Kipnees

cc (via CM/ECF): *All Counsel of Record*

² Citations to page numbers of documents filed on CM/ECF refer to the page numbers branded in the top right corner of the page.

EXHIBIT

A

Kaplan, Michael A.

From: NYSD_ECF_Pool@nysd.uscourts.gov
Sent: Saturday, January 17, 2015 2:54 AM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:06-cv-13222-ER-GWG Silverman et al v. Miranda et al Rule 56.1 Statement

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U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Thompson, Thomas on 1/17/2015 at 2:54 AM EST and filed on 1/17/2015

Case Name: Silverman et al v. Miranda et al
Case Number: [1:06-cv-13222-ER-GWG](#)
Filer: Teamster Local 210 Affiliated Health and Insurance Fund
Document Number: [301](#)

Docket Text:

[RULE 56.1 STATEMENT. Document filed by Teamster Local 210 Affiliated Health and Insurance Fund. \(Thompson, Thomas\)](#)

1:06-cv-13222-ER-GWG Notice has been electronically mailed to:

Anusha Rasalingam arasalingam@friedmananspach.com

John Albert Fialcowitz john@fialcowitzlaw.com

Michael Andrew Kaplan mkaplan@lowenstein.com, bandujar@lowenstein.com

Robert J. Kipnees rkipnees@lowenstein.com, vwagner@lowenstein.com

Roland Richard Acevedo racevedo1@aol.com

Thomas Albert Thompson talberttlaw@aol.com

1:06-cv-13222-ER-GWG Notice has been delivered by other means to:

PLAINTIFFS, Leon Silverman, James Crowley, Janet Sachs, Herbert Pobiner, Louis Flacks and Paul Berkman, as TRUSTEES of the Union Mutual Medical Fund, and the UNION MUTUAL MEDICAL FUND

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=1/17/2015] [FileNumber=14143057-0] [80b793aa512164aa43637d199bfea7a2af1bfb4372007f6a1a23fa7605aacfda618967b2cd86ad35a8ed13bf4f63289ec258b19af7fa16b119ef4a968912b87e]]

EXHIBIT

B

Kaplan, Michael A.

From: NYSD_ECF_Pool@nysd.uscourts.gov
Sent: Saturday, January 31, 2015 1:18 AM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:06-cv-13222-ER-GWG Silverman et al v. Miranda et al Memorandum of Law in Opposition to Motion

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The following transaction was entered by Thompson, Thomas on 1/31/2015 at 1:17 AM EST and filed on 1/31/2015

Case Name: Silverman et al v. Miranda et al
Case Number: [1:06-cv-13222-ER-GWG](#)
Filer: Teamster Local 210 Affiliated Health and Insurance Fund
Document Number: [304](#)

Docket Text:

MEMORANDUM OF LAW in Opposition re: [291] CROSS MOTION for Attachment of the Funds in Escrow with the Clerk of the Court . . Document filed by Teamster Local 210 Affiliated Health and Insurance Fund. (Thompson, Thomas)

1:06-cv-13222-ER-GWG Notice has been electronically mailed to:

Anusha Rasalingam arasalingam@friedmananspach.com

John Albert Fialcowitz john@fialcowitzlaw.com

Michael Andrew Kaplan mkaplan@lowenstein.com, bandujar@lowenstein.com

Robert J. Kipnees rkipnees@lowenstein.com, vwagner@lowenstein.com

Roland Richard Acevedo racevedo1@aol.com

Thomas Albert Thompson talberttlaw@aol.com

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Document description:Main Document

Original filename:n/a

Electronic document Stamp:

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EXHIBIT

C

Kaplan, Michael A.

From: NYSD_ECF_Pool@nysd.uscourts.gov
Sent: Saturday, January 31, 2015 1:47 AM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:06-cv-13222-ER-GWG Silverman et al v. Miranda et al Declaration in Opposition

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Notice of Electronic Filing

The following transaction was entered by Thompson, Thomas on 1/31/2015 at 1:46 AM EST and filed on 1/31/2015

Case Name: Silverman et al v. Miranda et al
Case Number: [1:06-cv-13222-ER-GWG](#)
Filer: Teamster Local 210 Affiliated Health and Insurance Fund
Document Number: [305](#)

Docket Text:

DECLARATION of Thomas A. Thompson in Opposition re: [304] Memorandum of Law in Opposition to Motion. Document filed by Teamster Local 210 Affiliated Health and Insurance Fund. (Attachments: # (1) Exhibit EXHIBIT A, # (2) Exhibit EXHIBIT B, # (3) Exhibit EXHIBIT C, # (4) Exhibit EXHIBIT D, # (5) Exhibit EXHIBIT E)(Thompson, Thomas)

1:06-cv-13222-ER-GWG Notice has been electronically mailed to:

Anusha Rasalingam arasalingam@friedmananspach.com

John Albert Fialcowitz john@fialcowitzlaw.com

Michael Andrew Kaplan mkaplan@lowenstein.com, bandujar@lowenstein.com

Robert J. Kipnees rkipnees@lowenstein.com, vwagner@lowenstein.com

Roland Richard Acevedo racevedo1@aol.com

Thomas Albert Thompson talberttlaw@aol.com

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Document description:Main Document

Original filename:n/a

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Document description:Exhibit EXHIBIT A

Original filename:n/a

Electronic document Stamp:

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Document description:Exhibit EXHIBIT B

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=1/31/2015] [FileNumber=14200635-2] [510a6a499aff30f32f9151a826a2148d2200d1e3eee076e2f7daec96d7f5f25cee4c6c4639bc2f784034a9644fb7d892c6cd8ae0b09d0afc15005122c1ce584a]]

Document description:Exhibit EXHIBIT C

Original filename:n/a

Electronic document Stamp:

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Document description:Exhibit EXHIBIT D

Original filename:n/a

Electronic document Stamp:

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Document description:Exhibit EXHIBIT E

Original filename:n/a

Electronic document Stamp:

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EXHIBIT D

Kaplan, Michael A.

From: NYSD_ECF_Pool@nysd.uscourts.gov
Sent: Saturday, February 21, 2015 2:30 AM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:06-cv-13222-ER-GWG Silverman et al v. Miranda et al Memorandum of Law in Opposition to Motion

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U.S. District Court

Southern District of New York

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Case Name: Silverman et al v. Miranda et al
Case Number: [1:06-cv-13222-ER-GWG](#)
Filer: Teamster Local 210 Affiliated Health and Insurance Fund
Document Number: [308](#)

Docket Text:

MEMORANDUM OF LAW in Opposition re: [293] MOTION for Summary Judgment . . Document filed by Teamster Local 210 Affiliated Health and Insurance Fund. (Thompson, Thomas)

1:06-cv-13222-ER-GWG Notice has been electronically mailed to:

Anusha Rasalingam arasalingam@friedmananspach.com

John Albert Fialcowitz john@fialcowitzlaw.com

Michael Andrew Kaplan mkaplan@lowenstein.com, bandujar@lowenstein.com

Robert J. Kipnees rkipnees@lowenstein.com, vwagner@lowenstein.com

Roland Richard Acevedo racevedo1@aol.com

Thomas Albert Thompson talberttlaw@aol.com

1:06-cv-13222-ER-GWG Notice has been delivered by other means to:

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Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295575-0] [14fa5eb96a60b1346a0fe2468d22889a4d701f83be76f31b4d683bf77a950f46d49c326ff6ee603ced7bcc9630436816a3d9b33cc670321f4a20d77f41d2fa44]]

EXHIBIT

E

Kaplan, Michael A.

From: NYSD_ECF_Pool@nysd.uscourts.gov
Sent: Saturday, February 21, 2015 2:33 AM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:06-cv-13222-ER-GWG Silverman et al v. Miranda et al Counter Statement to Rule 56.1

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Case Name: Silverman et al v. Miranda et al
Case Number: [1:06-cv-13222-ER-GWG](#)
Filer: Teamster Local 210 Affiliated Health and Insurance Fund
Document Number: [309](#)

Docket Text:

COUNTER STATEMENT TO Document filed by Teamster Local 210 Affiliated Health and Insurance Fund. (Thompson, Thomas)

1:06-cv-13222-ER-GWG Notice has been electronically mailed to:

Anusha Rasalingam arasalingam@friedmananspach.com

John Albert Fialcowitz john@fialcowitzlaw.com

Michael Andrew Kaplan mkaplan@lowenstein.com, bandujar@lowenstein.com

Robert J. Kipnees rkipnees@lowenstein.com, vwagner@lowenstein.com

Roland Richard Acevedo racevedo1@aol.com

Thomas Albert Thompson talberttlaw@aol.com

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Document description:Main Document

Original filename:n/a

Electronic document Stamp:

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EXHIBIT

F

Kaplan, Michael A.

From: NYSD_ECF_Pool@nysd.uscourts.gov
Sent: Saturday, February 21, 2015 2:51 AM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:06-cv-13222-ER-GWG Silverman et al v. Miranda et al Declaration in Opposition to Motion

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Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Thompson, Thomas on 2/21/2015 at 2:50 AM EST and filed on 2/21/2015

Case Name: Silverman et al v. Miranda et al
Case Number: [1:06-cv-13222-ER-GWG](#)
Filer: Teamster Local 210 Affiliated Health and Insurance Fund
Document Number: [310](#)

Docket Text:

DECLARATION of Adrian Merced in Opposition re: [293] MOTION for Summary Judgment .. Document filed by Teamster Local 210 Affiliated Health and Insurance Fund. (Attachments: # (1) Exhibit Ex. 1, # (2) Exhibit Ex. 2, # (3) Exhibit Ex. 3)(Thompson, Thomas)

1:06-cv-13222-ER-GWG Notice has been electronically mailed to:

Anusha Rasalingam arasalingam@friedmananspach.com

John Albert Fialcowitz john@fialcowitzlaw.com

Michael Andrew Kaplan mkaplan@lowenstein.com, bandujar@lowenstein.com

Robert J. Kipnees rkipnees@lowenstein.com, vwagner@lowenstein.com

Roland Richard Acevedo racevedo1@aol.com

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Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295584-0] [5faa4b234f2bbc7d1dd7ba4555261fd18c824c320c6d67dfb1692c2194e1e9f0a606bddea819d9b4cdd49d9da5bb4ddba2b99894e884f061af4a6ea805d1e663]]

Document description:Exhibit Ex. 1

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295584-1] [4d881746f938d440a3fd577e5f73b38f2d3501290423bbe62f31f3c08c7a2ab6d98ec4449dae904f1ca36ef6ec6f4ff5ff8bc80c8513ad8e23a88f27e5d1c1a9]]

Document description:Exhibit Ex. 2

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295584-2] [8fd5eaf06e59c414f945cbadc0036d40505c41583fea5ce85c12196646492d3734a110b55d72e708abdc6c75a7b51dbb970dfe1a877eab99b9074a0f7a94f658]]

Document description:Exhibit Ex. 3

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295584-3] [65528fa0552ec16f6fc549a8678fdb5ad57ed0825a85dd6f50cb503a3b9fb7f2c1da79ec2e6f8de90008a95185c88ac45edd37079ce06a28a5431ffb29d527e1]]

EXHIBIT

G

Kaplan, Michael A.

From: NYSD_ECF_Pool@nysd.uscourts.gov
Sent: Saturday, February 21, 2015 3:01 AM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:06-cv-13222-ER-GWG Silverman et al v. Miranda et al Declaration in Opposition to Motion

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Southern District of New York

Notice of Electronic Filing

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Case Number: [1:06-cv-13222-ER-GWG](#)
Filer: Teamster Local 210 Affiliated Health and Insurance Fund
Document Number: [311](#)

Docket Text:

DECLARATION of Robert Bellach in Opposition re: [293] MOTION for Summary Judgment .. Document filed by Teamster Local 210 Affiliated Health and Insurance Fund. (Attachments: # (1) Exhibit Ex. 1, # (2) Exhibit Ex. 2, # (3) Exhibit Ex. 3, # (4) Exhibit Ex. 4, # (5) Exhibit Ex. 5, # (6) Exhibit Ex. 6, # (7) Exhibit Ex. 7, # (8) Exhibit Ex. 8, # (9) Exhibit Ex. 9, # (10) Exhibit Ex. 10, # (11) Exhibit Ex. 11, # (12) Exhibit Ex. 12, # (13) Exhibit Ex. 13, # (14) Exhibit Ex.14)(Thompson, Thomas)

1:06-cv-13222-ER-GWG Notice has been electronically mailed to:

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Roland Richard Acevedo racevedo1@aol.com

Thomas Albert Thompson talberttlaw@aol.com

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The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295587-0] [1f7133b0f34a839ef83e115aea414044bb8f350f112ed911ffc36c2653ba465e75e564b3d225650179dc52b54a0d711aac4a6b8da9be401e078538153a1beccf]]

Document description:Exhibit Ex. 1

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295587-1] [8d728338eb17993256a11899572f93979d3e6b7a9ff89770b9e6bc2b68168927ac128304e47d3fd8e6bc0d3e747ed308f0380252a3460361146321a309c6fd14]]

Document description:Exhibit Ex. 2

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295587-2] [3aa029047f57d95a6b3f68adf8056c16e0e8435ad88294b771d625d19dabb38ebe1e9901525953a9cb6e8dbcbf1b300943107d96c35968dc9cdb05be2e7d2d59]]

Document description:Exhibit Ex. 3

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295587-3] [4dca61da0e17ccc5c676869a29a89b3025ddc3c361870b0c624fd3470b47461f7264fa4ce4d0d6df5d2df01635bd341b8ef7b04aa5bdcd6f79c52757aefcd9a5]]

Document description:Exhibit Ex. 4

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295587-4] [2e7fea350126678278b99589982da06672426b7bd04d047679e1c3870907c4b96cbcf16bb5c447c7745161c257ce475e1adbaf6ac646a3bbce1303d74ac5b5e]]

Document description:Exhibit Ex. 5

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295587-5] [5e83525020479aaeb790e66133a967f638414d8333604d0f1fdaea587a2156c65438e1c160e7b3b02fd5a25c5512d950394e5402639081197e6c8a742c67171]]

Document description:Exhibit Ex. 6

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295587-6] [131190efe51ab7905d7a2bc7a87f2b18c2280d50d6e3ff0a8edb43ba5f2544471ccab9407f66d358c4004d2b745d0519df09c6bbb8b7109f0fe1194f881075e8]]

Document description:Exhibit Ex. 7

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295587-7] [a2213ec46b653dcd91d6a3efbaa368ed7206e087ab5e8a5a5021a6abe9bcdd4796434499631b124e1feb39314b9986aff2437d6471625b0f522b23469975dab4]]

Document description:Exhibit Ex. 8

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295587-8] [2cab3772d96065baa8e9d1f5e55055704d8b13cb35f8e8323237f6ee5186e059313e730eec43ba2665e9f2f0860a5aad145b40b554b97dc47aeaf4daf0fb3154]]

Document description:Exhibit Ex. 9

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295587-9] [85fb5c53a4ebbc788e0a4da57ccbc85976e84514716b75cb878ccb616f6d56480a2a909aafbd7098fee33aaa75cbaf4c9b27b0a4c403e5d5fd7c210c2151e37d]]

Document description:Exhibit Ex. 10

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295587-10] [701c22b2519ea107fc6d70a93e7a9e9a36254c04f28b9306b9feb849c10c1f22fb28a4101d786652fb4fd86f5918484962ab7660a35cceb47ed71ce1f4989a1c]]

Document description:Exhibit Ex. 11

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295587-11] [29298ba77be7ebe3bdd59c8418874a31dbf6449701c580c2bb8f41feae7cc3bec42059fd4aa2e27dbe67fa77e11e0b39bf30b02899fceb55c14443ff3a4ab9e7]]

Document description:Exhibit Ex. 12

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295587-12] [70a0405ea749a0dd6deec998e8ac5136937411adc7bc52157243badc6b64ae050a00a2a76a98ffe593113f5c593f570cf2e1a99751604348ef9ae3d6a7e75acd]]

Document description:Exhibit Ex. 13

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295587-13] [99f5c763fd267162fcc1fb658019d1f0660c2dfb385ccbe00c88949ef19c999d7a06243ea1df8c7e5ebeeaca1263f330fc5c640a2444069cde07570988e15a4a]]

Document description:Exhibit Ex.14

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295587-14] [91de09dbe2eb9393c81a00e6c0eb8f40f2bb1eedfaf3fb84306bdbb50399514ed110965d34b8103226ce3ecaf5c6b61d4012617d42fae5d642d663398e4d6783]]

EXHIBIT H

Kaplan, Michael A.

From: NYSD_ECF_Pool@nysd.uscourts.gov
Sent: Saturday, February 21, 2015 3:44 AM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:06-cv-13222-ER-GWG Silverman et al v. Miranda et al Declaration in Opposition to Motion

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U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Thompson, Thomas on 2/21/2015 at 3:44 AM EST and filed on 2/21/2015

Case Name: Silverman et al v. Miranda et al
Case Number: [1:06-cv-13222-ER-GWG](#)
Filer: Teamster Local 210 Affiliated Health and Insurance Fund
Document Number: [312](#)

Docket Text:

DECLARATION of Thomas A. Thompson in Opposition re: [293] MOTION for Summary Judgment .. Document filed by Teamster Local 210 Affiliated Health and Insurance Fund. (Attachments: # (1) Exhibit Ex. A)(Thompson, Thomas)

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Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295599-0] [998b082bf62158bff1395723264d3adacb114f0e1d8dec7c6a5206bdedf898a2227f17d20c56c7eefa5eb5a3e98edf84bfec804ef3dbfba6e1e5a7c8ebc0412]]

Document description:Exhibit Ex. A

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/21/2015] [FileNumber=14295599-1] [5d73e0a0f8375c6cee874a2344a8cf3c89f700f8eab2072d93fe12141ea48a8b70d8f7803bfec550a7f700a7e9fa1ca591da8429ac286fdf7aaf7e7c108292c5]]